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OUR REF: N/A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **WILLIAM W. STEWART and
BRIAN E. STEWART**

Examiner: **MARK O. POLUTTA**

Serial No.: **08/921,430**

Group: **3735**

Filed: **08/29/97**

Title: **IDENTIFICATION AND
ACCOUNTABILITY SYSTEM
FOR SURGICAL SPONGES**

RECEIVED
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Group 3700

AMENDMENT & RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir/Madam:

Responsive to the Office Action mailed **11/06/98** (Paper No. 3), please amend the above-identified application as follows:

IN THE CLAIMS

Please amend Claim 1 as follows:

1 1. (amended) An automatic identification system for use with a reading
2 device, said automatic identification system for accounting for and identifying a
3 plurality of surgical sponges used during a surgical procedure, comprising:
4 machine-readable information located on a plurality of physically unconnected
5 surgical sponges, wherein each sponge of said plurality of surgical sponges [having
6 unique] has its own differentiating machine-readable information located thereon [, and
7 wherein said unique machine-readable information is unique for at least one] which will not
8 repeat on any other sponge used in a given surgical procedure, said machine-readable
9 information being readable by a reading device, wherein the physically unconnected
10 surgical sponges can be recognized and accounted for during a surgical procedure
11 without reliance on human visual detection and counting ability to identify, differentiate and
12 account for the surgical sponges.

REMARKS

This in response to the Office Action mailed **11/06/98** (Paper No. 3). By said Office Action, Claims 1-16, 20, 23, 24 and 27 were rejected under 35 USC 112, 2nd paragraph, as being indefinite; Claims 1-16 were rejected under 35 USC 112, 2nd paragraph as being incomplete for omitting essential elements; and, Claims 1-_____ were rejected under 35 USC 103 as being